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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,221	08/23/2001	Seiichi Kawano	JP920000184US1	1698
47052	7590	02/08/2008		
SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			EXAMINER VU, JIMMY T	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 02/08/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/938,221	Applicant(s) KAWANO, SEIICHI	
	Examiner JIMMY T. VU	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 18-32 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 18-20 and 32 is/are allowed.
- 6) ☒ Claim(s) 21-25, 28, 29 and 31 is/are rejected.
- 7) ☒ Claim(s) 26, 27 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 10/29/2007 have been fully considered but they are not persuasive.

Applicant argues:

a) Wagner fails to teach "evaluat[ing] a display brightness of a window displayed on a screen of a display unit"

a) The "display brightness of a window" is different from the "screen brightness of the display unit".

Examiner disagrees:

a) an evaluator (CPU 22, Fig. 2) that evaluates a display brightness (display brightness in Fig. 7) of a window (Pattern Selection window in Fig. 7) displayed on a screen (the screen in Fig. 7) of a display unit (Figs. 1-3 and 11-13).

b) The window (or any applicable window) would be disclosed in the screen of the display unit, since changing/adjusting the brightness of the screen would affect the brightness of the window.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-25, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner (U.S. Patent number 5,933,130).

Regarding claim 21, Wagner discloses an apparatus (10, Fig. 1, col. 5, lines 50-52) comprising:

an evaluator (CPU 22, Fig. 2) that evaluates a display brightness (display brightness in Fig. 7) of a window (Pattern Selection window in Fig. 7) displayed on a screen (the screen in Fig. 7) of a display unit (Figs. 1-3 and 11-13); and

a display controller (30 and 34, Fig. 2) that automatically adjusts a screen brightness of the screen of the display unit based on the evaluated display brightness of the window [the brightness control software (30) and brightness control (34) would control the brightness of the screen based on the evaluation of CPU (22)].

Regarding claims 22 and 23, Wagner discloses the apparatus wherein the display controller automatically decreases/increasing the screen brightness of the screen responsive to the evaluated display brightness of the window being high/low [when the display brightness being high/low, the controller would automatically adjust the screen brightness].

Regarding claim 24, Wagner discloses the apparatus wherein the window is one of a plurality of windows displayed on the screen of the display unit and the window is an active window that is ready to accept an input [as explained above in claims 5 and 19].

Regarding claim 25, Wagner discloses the apparatus wherein the display controller further automatically adjusts the screen brightness of the screen of the display unit based on a type of application associated with the window [the controller (30 and 34) would automatically do the function of adjusting when a type of the Pattern Selection window is selected, Fig. 7].

Regarding claim 28, Wagner discloses the apparatus wherein the display controller further automatically adjusts the screen brightness of the screen of the display unit based on whether a method [any method from analog to Random in the Pattern Selection window in Fig. 7] by which data is displayed in the window uses a CPU (22) [the controller (30 and 34) would automatically do the function of adjusting when a type of the Pattern Selection window is selected, Fig. 7].

Regarding claim 29, Wagner discloses the apparatus wherein the evaluator evaluates the display brightness of the window based on a draw signal [wave signal or Random or any signal in Fig. 7] issued to the window (Fig. 7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over (U.S. Patent number 5,933,130) in view of Lee (6,091,397).

Regarding claim 31, Wagner discloses the apparatus wherein the display unit is an LCD (col. 1, line 15-17). Wagner does not teach the display controller adjusts the screen brightness of the screen by controlling a power to a back-light of the LCD. However, Lee discloses a power management function for controlling said display unit (using Display Power Management System DPMS) (Fig. 10, col. 12, lines 30-34, lines 58-66) [it is obvious that the display device has a back-light system, and the power is controlled to a back-light]. Therefore, it would have been obvious to one having skill in the art at the time of the invention was made to provide the programming instructions of Wagner with the display power management system (DPMS) as taught by Lee in order to reduce power consumption in the display monitor.

Allowable Subject Matter

6. Claims 1-5, 18-20 and 32 is allowed.
7. Claims 26, 27 and 30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reasons for allowance have been indicated in the previous Office Action.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

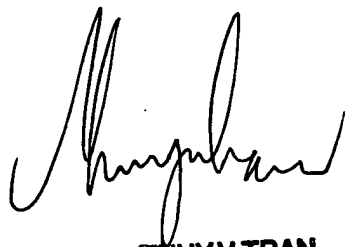
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on (571) 272-1662. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

January 31, 2008



THUY V. TRAN
PRIMARY EXAMINER